

1 HEATHER E. WILLIAMS, Bar #122664
Federal Defender
2 PEGGY SASSO, CA Bar #228906
Assistant Federal Defender
3 Designated Counsel for Service
2300 Tulare Street, Suite 330
4 Fresno, California 93721-2226
Telephone: (559) 487-5561
5
Attorneys for Defendant
6 MARIA DELGADO

7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 MARIA DELGADO,
15 Defendant.

Case No. 1:20-cr-00240 JLT-SKO-4

**STIPULATED MOTION AND [lodged]
ORDER TO REDUCE SENTENCE
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

RETROACTIVE CRIMINAL HISTORY
REDUCTION CASE

Judge: Hon. Jennifer L. Thurston

16
17 Defendant, MARIA DELGADO, by and through her attorney, Assistant Federal
18 Defender Peggy Sasso, and plaintiff, UNITED STATES OF AMERICA, by and through its
19 counsel, Assistant U.S. Attorney Shelley D. Weger, hereby stipulate as follows:

20 1. Pursuant to 18 U.S.C. § 3582(c)(2), this Court may reduce the term of
21 imprisonment in the case of a defendant who has been sentenced to a term of imprisonment
22 based on a sentencing range that has subsequently been lowered by the Sentencing Commission
23 pursuant to 28 U.S.C. § 994(o), after taking into account the policy statements set forth in USSG
24 § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent they are
25 applicable;

26 2. The United States Sentencing Commission recently amended the Sentencing
27 Guidelines to include what now appears in USSG § 4C1.1 (“zero-point provision”). *See*
28 Amendment 821, Part B, Subpart 1. The zero-point provision provides a 2-offense-level

1 reduction for certain offenders who present zero criminal history points and satisfy the criteria
2 listed in USSG § 4C1.1(a). The United States Sentencing Commission made the zero-point
3 provision retroactive beginning February 1, 2024. *See* USSG § 1B1.10(e)(2) (Nov. 1, 2023); 88
4 Fed. Reg. 60534;

5 3. On July 22, 2022, this Court sentenced Ms. Delgado to a term of 48 months;

6 4. Ms. Delgado's total offense level was 25, her criminal history category was I
7 (based on her having zero criminal history points), and the resulting guideline range was 57 to 71
8 months;

9 5. The sentencing range applicable to Ms. Delgado was subsequently lowered by the
10 zero-point provision;

11 6. Ms. Delgado is eligible for a reduction in sentence, which reduces her total
12 offense level by 2 from 25 to 23, and her amended advisory guideline range is reduced to 46 to
13 57 months;

14 7. Because Ms. Delgado is eligible for a reduction in sentence, the parties request
15 the Court enter the order lodged herewith reducing Ms. Delgado's term of imprisonment to 46
16 months effective February 1, 2024, but if the amount of time served as of February 1, 2024
17 exceeds 46 months, the sentence is instead reduced to a sentence of time-served as of February 1,
18 2024.

19 Respectfully submitted,

20 Dated: January 29, 2024

Dated: January 29, 2024

21 PHILLIP A. TALBERT
22 United States Attorney

HEATHER E. WILLIAMS
Federal Defender

23 /s/ Shelley D. Weger
24 SHELLEY D. WEGER
Assistant U.S. Attorney

/s/ Peggy Sasso
PEGGY SASSO
Assistant Federal Defender

25 Attorney for Plaintiff
26 UNITED STATES OF AMERICA

Attorneys for Defendant
MARIA DELGADO

ORDER

This matter came before the Court on the stipulated motion of the parties for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2).

The parties agree, and the Court finds, that Ms. Delgado is entitled to the benefit of Amendment 821, Part B, Subpart 1, the new zero-point provision, which reduces the total offense level from 25 to 23, resulting in an amended guideline range of 46 to 57 months.

IT IS HEREBY ORDERED that, pursuant to USSG § 1B1.10(b), the term of imprisonment imposed in 2022 is reduced to a term of 46 months, effective February 1, 2024, but if the amount of time served as of February 1, 2024 exceeds 46 months, the sentence is instead reduced to a sentence of time-served as of February 1, 2024. However, if the defendant is entitled to release because of this order, release is delayed up to 10 days to allow the Bureau of Prisons time to perform required safety and background checks, victim notifications, and release planning.

IT IS FURTHER ORDERED that all the terms and provisions of the original judgment remain in effect. The clerk shall forthwith prepare an amended judgment reflecting the above reduction in sentence and shall serve certified copies of the amended judgment on the United States Bureau of Prisons and the United States Probation Office.

Unless otherwise ordered, Ms. Delgado shall report to the United States Probation Office within seventy-two hours after her release.

IT IS SO ORDERED.

Dated: **January 30, 2024**


UNITED STATES DISTRICT JUDGE